

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Office Action

Drawings stand objected to because the designation of reference numeral 30 is improper in Figures 4 and 5, and the Final Office Action acknowledges the receipt of the corrected drawings filed on November 18, 2002¹.

Claims 10-15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claim 10 stands rejected under 35 U.S.C. §102(b) as being anticipated by *Vrijma* (U.S. Patent No. 3,695,129).

Claims 11-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Vrijma*.

Summary of the Response to the Office Action

A Change of Attorney Docket Number, a Request for Approval of Drawing Changes and a Submission of Formal Drawings are submitted herewith. Applicant has amended claims 10-15 by this amendment. Claims 10-15 remain currently pending.

Objection to the Drawings

Drawings stand objected to because the designation of reference numeral 30 is improper in Figures 4 and 5, and the Final Office Action acknowledges the receipt of the corrected drawings filed on November 18, 2002. The Final Office Action states that a "proposed drawing

¹ Although the Final Office Action indicates the filing date of the corrected drawings as November 22, 2002, Applicant assumes that the Final Office Action intends to refer to the Submission of Corrected Drawings filed on November 18, 2002. If Applicant's assumption is inaccurate, further clarification is respectfully requested with the next communication.

correction was not received and is required in reply to this Office Action.” Accordingly, Applicant submits herewith a Request for Approval of Drawing Changes proposing the same drawings changes as those in the Submission of Corrected Drawings filed on November 18, 2003 in the present application. In addition, Applicant submits herewith a Submission of Formal Drawings incorporating these proposed drawing changes. Accordingly, the Examiner’s approval of the changes made and withdrawal of the objection to the drawings are respectfully requested.

Claim Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 10-15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Final Office Action asserts that the recitations at claim 10, lines 6-10 and 15-19 are vague as shown in the “**In the Claims**” portion of the Amendment filed on November 18, 2002. Accordingly, Applicant has amended claim 10 to address the Examiner’s concerns.

In addition, the Final Office Action asserts that the recitation of “the wire” at claim 12, line 4 lacks positive antecedent basis. Also, the Final Office Action asserts that the recitations of “the blade” and the “wire” at claim 13, lines 2 and 4, respectively, are vague. Accordingly, Applicant has amended claims 12 and 13 to address the Examiner’s concerns.

Accordingly, Applicant respectfully submits that claims 10-15, as amended, fully comply with the requirements of 35 U.S.C. §112, second paragraph, and the Examiner’s consideration and withdrawal of the rejection are respectfully requested.

Claim Rejections Under 35 U.S.C. §§102(b) and 103(a)

Claim 10 stands rejected under 35 U.S.C. §102(b) as being anticipated by *Vrijma*. Claims 11-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Vrijma*. These rejections are respectfully traversed for at least the following reasons.

Applicant respectfully submits that *Vrijma* does not anticipate claim 10 because *Vrijma*

does not disclose all of the features of the claim 10. For instance, it is respectfully submitted that *Vrijma* fails to disclose the claimed combination as set forth in independent claim 10 including at least “wherein each of respective blades is associated with, and located approximately adjacent to, a corresponding one of the wires, such that slots are formed at a corner of the green brick being formed.”

In contrast to the claimed invention, *Vrijma* discloses a wire-cutting apparatus to cut a block of material in a plastic state, e.g., lightweight concrete, so that individual blocks are provided. See the Abstract, lines 1-2 of *Vrijma*. In particular, *Vrijma*’s apparatus includes blades that remove the upper crust from the material and form grooves in the top surface of the block. As shown in FIG. 2 of *Vrijma*, the blades (12) has a “V” configuration and are located generally at the center of the upper edge of the blocks being formed. However, no portion of *Vrijma*’s disclosure teaches an apparatus that forms the grooves at a corner of the blocks being formed. Moreover, Applicant respectfully submits that there is no suggestion or motivation in *Vrijma* for forming the grooves at a corner of the blocks being formed.

In the preferred embodiment of the present invention, blades (27, 28) engage the clay slug when green bricks are being formed, so that the blades (27, 28) form slots at the corners of the green bricks being formed. Further, as shown in FIG. 1 of the present invention, the blades (27, 28) are arranged in pairs, and as shown in FIG. 2 of the present invention, the cutting wires (15) pass through or locate adjacent to the blades (27, 28). Accordingly, the cutting wires (15) cut the sides of the green bricks, as the blades (27, 28) form slots at the corners of the green bricks.

M.P.E.P. § 2131 states “[t]o anticipate a claim, the reference must teach every element of the claim.” Since, in light of the above, *Vrijma* fails to teach or suggest each and every element

set forth in independent claim 10, it is respectfully submitted that *Vrijma* does not anticipate claim 10.

Also, M.P.E.P. §2143.03 instructs that “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” Since claims 11-15 depend from claim 10, it is respectfully submitted that *Vrijma* also does not render claims 11-15 unpatentable. Moreover, claims 11-15 are also allowable because of the limitations recited therein. For instance, it is respectfully submitted that *Vrijma* also fails to teach or suggest the claimed combinations as set forth in claims 12-13 including “wherein the blades are mounted on the beams, with the blades being arranged in pairs, with each pair including a respective one of the blades on each of the beams and between which an associated one of the cutting wires passes.”

Accordingly, withdrawal of the rejection of claim 10 under 35 U.S.C. §102(b) and the rejection of claims 11-15 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

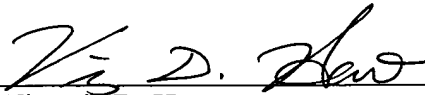
In view of the foregoing, Applicant respectfully requests the entry of this Amendment to place the application in clear condition for allowance or, in alternative, in better form for appeal. Applicant also respectfully requests the Examiner’s reconsideration and reexamination of the application and the timely allowance of the pending claims. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310.

If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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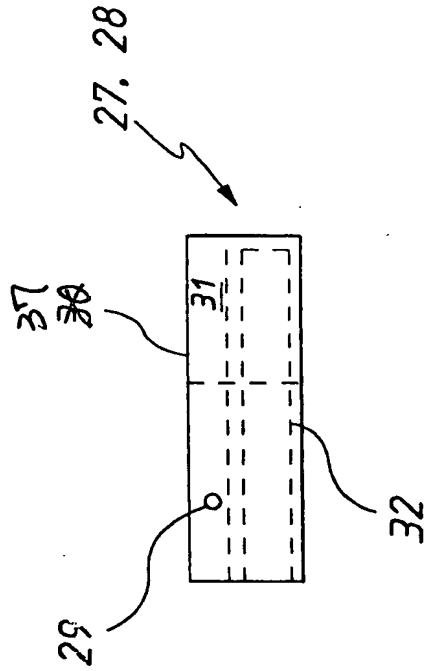


FIG. 5

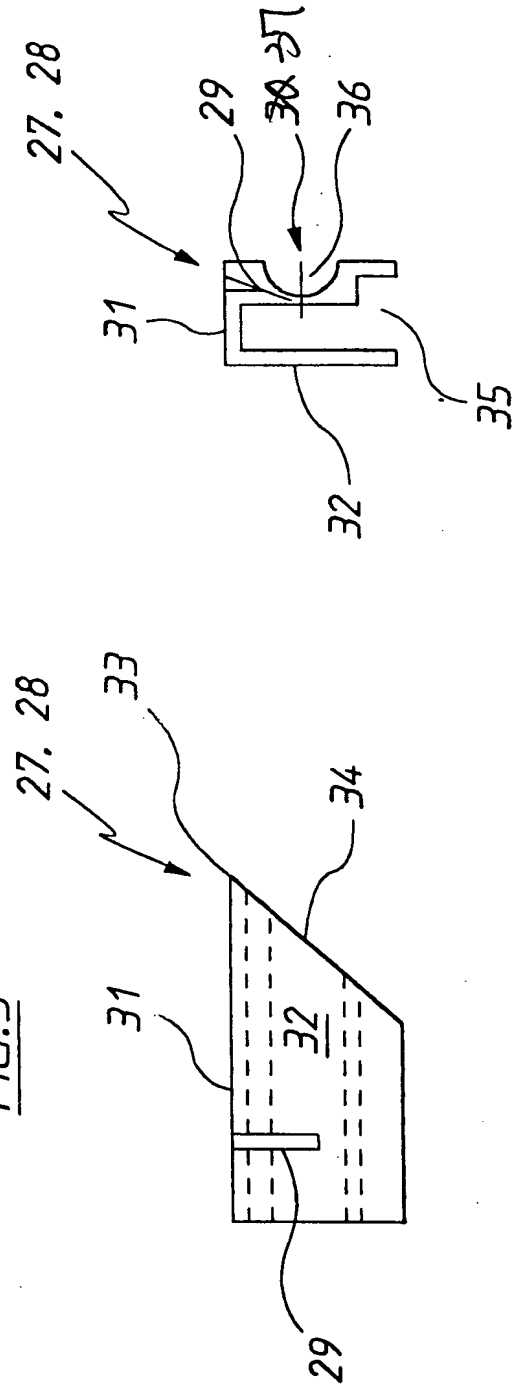


FIG. 6

FIG. 4

Approved
OS
5/29/03